

DIVISION II: DWELLINGS AND VACANT STRUCTURES**SUBTITLE 4****REGISTRATION OF NON-OWNER-OCCUPIED DWELLINGS,
ROOMING HOUSES, AND VACANT STRUCTURES**

INTRODUCTORY NOTE: Ordinance 18-130, which substantially amended Subtitle 5 {"Licensing of Rental Dwellings"} of this article, also amended §§ 4-1, 4-6, 4-8, and 4-9 of this subtitle, all with a general effective date of August 1, 2018.

§ 4-1. Definitions.(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Commissioner.*

"Commissioner" means the Commissioner of Housing and Community Development or the Commissioner's designee.

(c) *Dwelling unit.*

"Dwelling unit" has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(d) *Multiple-family dwelling.*

"Multiple-family dwelling" has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(e) *Non-owner-occupied dwelling unit.*(1) *In general.*

"Non-owner-occupied dwelling unit" means any:

- (i) dwelling unit that is unoccupied;
- (ii) dwelling unit that, even if occupied, is not occupied by an owner of record; or
- (iii) dwelling unit that, even if occupied, is not designated by the State Department of Assessments and Taxation as the owner's principle residence in accordance with the criteria governing the State Homestead Tax Credit.

(2) *Qualifications.*

For purposes of this definition:

- (i) an owner may only have one owner-occupied dwelling unit in Baltimore City; and
- (ii) an owner-occupied unit must be titled to a natural person.

(f) *Person.*

(1) *In general.*

“Person” means:

- (i) an individual;
- (ii) a partnership, firm, association, corporation, or other entity of any kind; and
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in § 4-14 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(g) *Rooming house.*

“Rooming house” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(h) *Rooming unit.*

“Rooming unit” has the meaning stated in § 202.2 of the Baltimore City Property Maintenance Code.

(i) *Vacant structure.*

(1) *In general.*

“Vacant structure” means any structure that is subject to an unabated violation notice issued under § 116 {“Unsafe Structures”} of the Baltimore City Building Code.

(2) *Exclusions.*

“Vacant structure” does not include an accessory structure that is not intended for occupancy, such as a garage, shed, or storage building.

(Ord. 02-475; Ord. 05-170; Ord. 10-342; Ord. 10-372; Ord. 13-093; Ord. 17-068; Ord. 18-130; Ord. 19-332.)

§ 4-2. Scope.

This subtitle applies to:

(1) every non-owner-occupied dwelling unit, whether or not it is occupied, fit for human habitation, or revenue producing;

(2) every vacant structure, whether it is a residential structure, a non-residential structure, or other; and

(3) every rooming house.

(Ord. 02-475; Ord. 10-342; Ord. 10-372.)

§ 4-3. Rules and regulations.

(a) *Commissioner may adopt.*

The Commissioner may adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference.

(Ord. 02-475.)

§ 4-4. {Reserved}

§ 4-5. Registration required.

(a) *In general.*

(1) The owner of any non-owner-occupied dwelling unit or of any rooming house must file an annual registration statement for that unit or rooming house with the Commissioner.

(2) The owner of any vacant structure must file an annual registration statement for that structure with the Commissioner.

(b) *New owner.*

(1) A new owner of a non-owner-occupied dwelling unit or of a rooming house must file the registration statement within 10 days of acquiring title to the unit or rooming house.

(2) If the previous owner had registered the unit or rooming house and paid the applicable registration fee for the current registration period, the new owner need not pay any registration fee for that registration period.

(c) *Newly vacant structure.*

The owner of a vacant structure, whether or not previously registered as a non-owner-occupied dwelling unit or as a rooming house, must file a new registration statement and pay the fee applicable to vacant structures, within 10 days of the property's becoming a vacant structure.

(Ord. 02-475; Ord. 05-170; Ord. 10-342; Ord. 10-372.)

§ 4-6. Registration statement – Contents.*(a) In general.*

Each registration statement must be in the form that the Commissioner requires and contain the following information:

- (1) a description of the premises by street number or by block-and-lot;
- (2) the name, street address, telephone number, and email address of the premises' owner of record;
- (3) the name, street address, telephone number, and email address of the premises' managing operator, if other than the owner; and
- (4) if the owner is a corporation, partnership, limited partnership, limited liability company, or similar entity, the name, street address, telephone number, and email address of a natural person who serves as the owner's chief executive officer, managing partner, or managing member, or in a similarly authoritative position.

(b) Change of listed information.

The Commissioner must be notified within 10 days of any change in the identity of or contact information for the owner of record or any other person listed in the registration statement.

(Ord. 02-475; Ord. 10-342; Ord. 18-130.)

§ 4-7. Registration statement – Confidentiality.*(a) In general.*

Except as otherwise specified in this section, the registration statements required by this section are confidential records and are not open to public inspection.

(b) Exception – Neighboring property owners, residents, etc.

For a specified property, the Commissioner must furnish the name, address, telephone number, and email address of the owner or operator of that property on the written request of:

- (1) the owner or resident of property within a 1 block radius of the specified property;
- (2) the neighborhood association for the area in which the specified property is located; or
- (3) the City Councilmember representing the District in which the specified property is located.

(c) *Exception – Department of Environment.*

The Commissioner may share the registration statements filed under this subtitle with the State Department of the Environment for integration with the registration information maintained by the State under State Environment Article § 6-811.

(Ord. 02-475; Ord. 10-342; Ord. 14-315.)

§ 4-8. Registration fees.(a) *Rooming houses.*(1) *Base fee.*

Except as otherwise specified in this section, an annual registration fee must be paid for rooming houses at the rate of \$25 per rooming unit.

(2) *Increased fee.*

For any rooming house that has had the term of its rental dwelling license reduced under § 5-9(c) or (d) {"Rental dwellings: Tiered license terms"} of this article to a 1-year term, the annual registration fee under paragraph (1) of this subsection for each succeeding registration year beginning after the start of each 1-year rental dwelling license term is increased by an additional \$15 per rooming unit, which additional amount shall be deposited in the continuing, nonlapsing fund created by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

(b) *Non-owner-occupied dwelling units.*(1) *Base fee.*

Except as otherwise specified in this section, an annual registration fee must be paid for non-owner-occupied dwelling units at the following rates:

- (i) for properties with 1 and 2 dwelling units – \$30 per dwelling unit.
- (ii) for multiple-family dwellings – \$35 per dwelling unit, plus \$25 per rooming unit.

(2) *Increased fee.*

For any dwelling that has had the term of its rental dwelling license reduced under § 5-9(c) or (d) {"Rental dwellings: Tiered license terms"} of this article to a 1-year term, the annual registration fee under paragraph (1) of this subsection for each succeeding registration year beginning after the start of each 1-year rental dwelling license term is increased by an additional \$15 per dwelling or rooming unit, which additional amount shall be deposited in the continuing, nonlapsing fund created by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

(c) *Vacant structures.*

Except as otherwise specified in this section, an annual registration fee, in addition to any fee that might also be required by subsection (a) or (b) of this section, must be paid for vacant structures at the following rates:

- (1) for residential structures – \$100 per structure.
- (2) for all other structures – \$250 per structure.

(d) *When payable.*

These fees must all be paid at the time of registration.

(e) *Exceptions.*

No fee is charged for:

- (1) any dwelling unit, rooming house, or vacant structure that is owned by a governmental entity or an instrumentality or unit of a governmental entity; or
- (2) any dwelling unit that is not in a vacant structure and is owned by a nonprofit religious, charitable, or educational institution or organization.

(Ord. 02-475; Ord. 10-342; Ord. 10-372; Ord. 18-130; Ord. 19-332.)

§ 4-9. Term and renewal.

A registration expires on December 31 of each year, unless it is renewed and the annual registration fee paid before then.

(Ord. 02-475; Ord. 18-130.)

§ 4-10. {Reserved}

§ 4-11. Interest and late fees.

(a) *In general.*

If a person fails to pay the registration fee imposed by this subtitle within 30 days of the date on which it is due, the person is liable for the following, in addition to the registration fee:

- (1) interest at the rate of 1% for each month or fraction of a month that the registration fee is overdue; and
- (2) a late fee at the rate of 1% for each month or fraction of a month that the registration fee is overdue.

(b) *Unpaid sum a personal debt and lien.*

(1) All registration fees, interest, and late fees provided for in this section are a personal debt owed by the owner of the property.

(2) These fees and interest:

(i) are a lien on the property in favor of the Mayor and City Council of Baltimore; and

(ii) may be collected or enforced the same as any other debts or liens due to or in favor of the Mayor and City Council of Baltimore.

(Ord. 02-475; Ord. 04-832; Ord. 10-372.)

§ 4-12. {Reserved}**§ 4-13. Enforcement by citation.**(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 07-424; Ord. 18-130.)

§ 4-14. Penalties.(a) *In general.*

Any person who violates a provision of this subtitle or of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 02-475; Ord. 18-130.)

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SUBTITLE 5
LICENSING OF RENTAL DWELLINGS

INTRODUCTORY NOTE: The following text incorporates the many amendments made to this subtitle by Ordinance 18-130, subject to a general effective of August 1, 2018. For additional, short-term transitional provisions, *see also* **Editor’s Note** at the end of this subtitle.

§ 5-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(c) *Housing Commissioner; Commissioner.*

“Housing Commissioner” or “Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.

(d) *Multiple-family dwelling.*

“Multiple-family dwelling” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(e) *Non-owner-occupied dwelling unit.*

“Non-owner-occupied dwelling unit” has the meaning stated in § 4-1 of this article.

(f) *Person.*

(1) *In general.*

“Person” means:

- (i) an individual;
- (ii) a partnership, firm, association, corporation, or other entity of any kind; and
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(2) *Inclusions.*

“Person” includes, except as used in § 5-21 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(g) *Rental dwelling.*

“Rental dwelling” means:

- (1) any multiple-family dwelling;
- (2) any rooming house; and
- (3) any non-owner-occupied dwelling unit in a 1- or 2-family dwelling that is leased or rented or offered or available for lease or rental in exchange for any form of consideration.

(h) *Rooming house.*

“Rooming house” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(i) *Rooming unit.*

“Rooming unit” has the meaning stated in § 202.2 of the Property Maintenance Code of Baltimore City.

(Ord. 02-475; Ord. 10-342; Ord. 10-342; Ord. 18-130.)

§ 5-2. Rules and regulations.

(a) *Commissioner may adopt.*

The Commissioner must adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

(Ord. 02-475; Ord. 18-130.)

§ 5-3. {Reserved}

§ 5-4. License required.

(a) *In general.*

Except as provided in subsection (b) of this section, no person may:

- (1) rent or offer to rent to another all or any part of any rental dwelling without a currently effective license to do so from the Housing Commissioner; or
- (2) charge, accept, retain, or seek to collect any rental payment or other compensation for providing to another the occupancy of all or any part of any rental dwelling unless the

person was licensed under this subtitle at both the time of offering to provide and the time of providing this occupancy.

(b) *Exception.*

A license is not required under this subtitle for any rental dwelling that is owned and operated by the Housing Authority of Baltimore City.

(Ord. 02-475; Ord. 18-130.)

§ 5-5. Application for new or renewal license.

(a) *In general.*

The application for a new or renewal rental dwelling license must be made in the form and contain the information and documentation that the Housing Commissioner requires.

(b) *By whom to be made.*

The application must be made and signed by:

- (1) the owner of the premises; and
- (2) the managing operator of the premises, if other than the owner.

(c) *Application period for renewal.*

To renew a license issued under this subtitle, an application for renewal must be submitted to the Commissioner no more than 120 days before the license expires.

(Ord. 02-475; Ord. 18-130.)

§ 5-6. Prerequisites for new or renewal license – In general.

A rental dwelling license may be issued or renewed under this subtitle only if:

- (1) all dwelling units and rooming units are currently registered as required by Subtitle 4 {“Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures”} of this article;
- (2) all registration fees for these units and all related interest and late fees required by Subtitle 4 have been paid;
- (3) the premises have passed an inspection, as required by § 5-7 {“Prerequisites ... – Inspection”} of this subtitle;
- (4) the premises are in compliance with all Federal, State, and City laws and regulations governing lead paint;

(5) for premises that include a hotel or motel subject to City Code Article 15 {“Licensing and Regulation”}, Subtitle 10 {“Hotels”}, the hotel or motel is in compliance with the training, certification, and posting requirements of that subtitle; and

(6) the premises are not subject to any violation notice or order that:

(i) has been issued under the Baltimore City Building, Fire, and Related Codes Article; and

(ii) notwithstanding the passage of more than 90 days since its issuance, has not been abated before the license issuance or renewal.

(Ord. 02-475; Ord. 10-342; Ord. 13-093; Ord. 15-353; Ord. 18-130; Ord. 19-332.)

EDITOR’S NOTE: Chapter 494 {“Balcony Railing Inspections (Jonathon’s Law)”}, Acts of 2014, amended State Public Safety Article § 12-203 {“Minimum Livability Code”} to also require special inspections of balcony railings. Specifically, new subsection (f)(4) provides:

(i) In this paragraph, “multiple-family dwelling” has the meaning stated in Article 13, § 5-1 of the Baltimore City Code.

.....
(iii) Baltimore City may not issue or renew a multiple-family dwelling license unless the applicant demonstrates that a professional inspector {as defined in Public Safety Article § 12-203(a)(4)} has completed an inspection of the multiple-family dwelling to ensure that each balcony railing in the multiple-family dwelling meets the requirements of the Building, Fire, and Related Codes of Baltimore City.

(iv) Beginning in October 2015, and every 5 years thereafter, at the time that Baltimore City sends a renewal notice to a holder of a multiple-family dwelling license, Baltimore City shall notify the license holder of the inspection requirement under subparagraph (iii) of this paragraph.

§ 5-7. Prerequisites for new or renewal license – Inspection.

(a) *In general.*

The inspection required by § 5-6 {“Prerequisites ... – In general”} of this subtitle must comply with either:

(1) subsection (b) {“Third-party home inspections”} of this section; or

(2) subsection (c) {“Governmental agency inspections”} of this section.

(b) *Third-party home inspections.*

(1) *Definitions.*

(i) *In general.*

In this subsection, the following terms have the meanings indicated.

(ii) *Home inspection.*

“Home inspection” means a home inspector’s written evaluation of a rental dwelling’s compliance with the City’s health and safety standards specified in the Housing Commissioner’s rules and regulations adopted under this subtitle.

(iii) *Home inspector.*

“Home inspector” means an individual:

(A) who is licensed as a home inspector under Title 16, Subtitle 3A of the State Business Occupation and Professions Article; and

(B) who, as required by the rules and regulations adopted under this subtitle:

1. has registered with the Housing Commissioner as generally available to inspect and certify rental dwellings under this subsection;
2. has, as specified by the rules and regulations adopted under this subtitle, submitted to the Commissioner a conflict-of-interest statement; and
3. for each home inspection to be performed under this subsection, certifies that neither the home inspector nor any owner, partner, director, officer, employee, or agent of the home inspector or of the home inspector’s business has any financial interest in:
 - a. the rental dwelling to be inspected;
 - b. the owner or operator of that rental dwelling; or
 - c. any owner, partner, director, officer, employee, or agent of the rental dwelling’s owner or operator.

(2) *Applicant to contract for timely inspection.*

(i) Before applying for a rental dwelling license or renewal license, the applicant must, at the applicant’s expense, contract with a home inspector to perform a home inspection under this section.

(ii) The inspection must be performed as follows:

(A) for a multiple-family dwelling, not more than 90 days before a completed application for a license or renewal license is submitted to the Housing Commissioner; and

(B) for a 1- or 2-family dwelling, not more than 30 days before a completed application for a license or renewal license is submitted to the Housing Commissioner.

(3) *Number of units to be inspected.*

- (i) For any rental dwelling that comprises 9 or fewer dwelling or rooming units, all dwelling and rooming units must be inspected under this subsection.
- (ii) For any multiple-family dwelling or rooming house that comprises 10 or more dwelling or rooming units, the number of units that must be inspected are as determined in the rules and regulations adopted under this subtitle.

(4) *Inspector's reports and certification.*

- (i) After the home inspection, the home inspector must issue to the applicant:
 - (A) a written report of every inspection conducted under this section; and
 - (B) if the rental dwelling meets the City's health and safety standards specified in the rules and regulations adopted under this subtitle, a certificate of satisfactory compliance with those standards.
- (ii) The reports and the certification must be:
 - (A) in the form required by the Commissioner; and
 - (B) signed by the home inspector, under oath and under the home inspector's seal.

(c) *Governmental agency inspections.*(1) *Scope of subsection.*

This subsection applies to any rental dwelling unit that is required to undergo periodic inspections conducted by a governmental agency in accordance with Federal or State inspection standards.

(2) *Required evidence of compliance with most recent inspection.*

For a rental dwelling unit described in paragraph (1) of this subsection, the applicant for a license or renewal license may, in lieu of the requirements of subsection (b) {"Third-party home inspections"} of this section, submit evidence satisfactory to the Housing Commissioner that the unit has passed the most recent periodic inspection by the applicable governmental agency.

(d) *Commissioner to audit inspections.*

As prescribed by the rules and regulations adopted under this subtitle, the Housing Commissioner must conduct an annual audit of inspections conducted under this section.

(e) *Commissioner's inspection authority not affected.*

This section does not in any way prevent or limit the authority of the Housing Commissioner to conduct routine, spot, quality-control, or other inspections of rental dwellings under the City Building, Fire, and Related Codes Article.

(Ord. 18-130.)

§ 5-8. License fees.

No fee is imposed for a rental dwelling license issued under this subtitle.

(Ord. 02-475; Ord. 10-342; Ord. 18-130.)

§ 5-9. Tiered license terms.(a) *In general.*

Unless timely renewed, each rental dwelling license issued under this subtitle expires on the 1st, 2nd, or 3rd anniversary of its issuance, as provided in this section.

(B) *Initial license.*

A dwelling unit license initially issued under this subtitle to any rental dwelling expires 2 years from the date of its issuance, unless timely renewed.

(c) *1st renewal of initial license.*

Subject to compliance with § 5-6 {"Prerequisites for ... renewal license – In general"} of this subtitle, the 1st renewal of an initial 2-year license will be for a 3-, 2-, or 1-year renewal term, based on the following risk factors:

- (1) *3-Year Term:* The renewal license will be for a 3-year term if, during the 24 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 60 days of their issuance.
- (2) *2-Year Term:* The renewal license will be for a 2-year term if, during the 24 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 90 days of their issuance.
- (3) *1-Year Term:* The renewal license will be for a 1-year term if the rental dwelling does not qualify under this subsection for a 2- or 3-year renewal.

(d) *Subsequent renewals.*

Subject to compliance with § 5-6 {"Prerequisites for ... renewal license – In general"} of this subtitle, all subsequent renewal terms will be based on the following risk factors:

(1) *3-Year Term:* The renewal license will be for a 3-year term if, during the 36 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 60 days of their issuance.

(2) *2-Year Term:* The renewal license will be for a 2-year term if, during the 24 months immediately preceding submission of a completed renewal application, all violation notices or orders issued during those months under the City Building, Fire, and Related Codes Article have been abated within 90 days of their issuance.

(3) *1-Year Term:* The renewal license will be for a 1-year term if the rental dwelling does not qualify under this subsection for a 2- or 3-year renewal.

(Ord. 02-475; Ord. 18-130.)

§ 5-10. {Reserved}

§ 5-11. Posting license.

The license issued under this subtitle must be prominently displayed:

(1) for a multiple-family dwelling or rooming house, in the vestibule, lobby, or other public place on the premises; and

(2) for a 1- or 2-family dwelling, in an area of each dwelling unit that is accessible to that unit's occupants and to housing inspectors.

(Ord. 02-475; Ord. 18-130.)

§ 5-12. Transfer of license.

(a) *In general.*

Any person who assumes the ownership or operation of a licensed rental dwelling must, within 15 days of assuming ownership or operation, apply to the Housing Commissioner for transfer of the license.

(b) *Fee.*

The fee for a transfer is \$25.

(Ord. 02-475; Ord. 18-130.)

§ 5-13. Discontinuance of multiple-family or rooming-house operations.

Notwithstanding any discontinuance, in whole or in part, of a multiple-family dwelling's or a rooming house's operations, a license issued under this subtitle is still required unless the Housing Commissioner has issued a permit reflecting a change of use for the property.

(Ord. 02-475; Ord. 18-130.)

§ 5-14. {Reserved}

§ 5-15. Denial, suspension, or revocation of license – In general.(a) *“Nuisance property” defined.*

In this section, “nuisance property” means any property that is maintained or operated so as to cause or allow a nuisance of the sort described in any 1 or another of the following definitions:

- (1) State Code Real Property Article, § 14-120(a)(5) {defining “nuisance”};
- (2) City Code Article 19, § 43-1(l) {defining “public nuisance”};
- (3) City Code Article 19, § 43B-1(b) {defining “neighborhood nuisance”}; and
- (4) City Code Article 19, § 43B-1(o) {defining “unruly social event”}.

(b) *Causes for denial, suspension, or revocation.*

Subject to the hearing provisions of § 5-16 of this subtitle, the Housing Commissioner may deny, suspend, or revoke a rental dwelling license or renewal license for any of the following causes:

- (1) making any material false statement in an application for an initial or renewal license;
- (2) fraudulently or deceptively obtaining a rental dwelling license for oneself or for another;
- (3) fraudulently or deceptively using a rental dwelling license;
- (4) falsifying any inspection report or certificate;
- (5) refusal by an owner or operator of a rental dwelling to allow the Commissioner to conduct a routine, spot, quality-control, or other inspection of the rental dwelling as authorized by the City Building, Fire, and Related Codes Article;
- (6) failing to abate within 120 days of issuance any violation notice, order, or citation for violating any provision of the City Building, Fire, and Related Codes Article, the City Health Article, or the Zoning Code of Baltimore City;
- (7) failing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle; or
- (8) if the Housing Commissioner finds, or if the Fire Chief, Health Commissioner, or Police Commissioner certify to the Housing Commissioner, that:
 - (i) the owner or lessee of a rental dwelling has failed to comply with any lawful notice, order, or citation to correct a violation that affects the health, safety, morals, or general welfare of the occupants of the property or of the general public; or
 - (ii) the owner or lessee of a rental dwelling, or any agent of the owner or lessee:

(A) has allowed the premises to be used as a nuisance property; or

(B) knew or should have known that the premises were being used as a nuisance property and failed to prevent them from being so used.

(Ord. 02-475; Ord. 18-130.)

§ 5-16. Denial, suspension, or revocation of license – Notice and hearing.

(a) *In general.*

No license may be denied, suspended, or revoked unless the Housing Commissioner first gives the owner, the managing operator, and the lessees of any dwelling or rooming unit to which the license applies:

- (1) not less than 10 days notice in writing of the Commissioner’s intent to deny, suspend, or revoke the license; and
- (2) an opportunity to be heard as to why the license should not be denied, suspended, or revoked.

(b) *Exception.*

The Commissioner may deny, suspend, or revoke a license without prior notice and opportunity to be heard if, in the opinion of the Commissioner or the Fire Chief, Health Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or of the general public are in imminent danger.

(Ord. 02-475; Ord. 18-130.)

§ 5-17. Vacating premises.

The Commissioner may require a rental dwelling to be vacated within 24 hours if:

- (1) the property is being operated without a valid license; and
- (2) vacating the premises is necessary for the public health, safety, and welfare.

(Ord. 02-475; Ord. 18-130.)

§ 5-18. {Reserved}

§ 5-19. Impairing constitutional rights.

(a) *“Reasonable accommodation” defined.*

In this section, “reasonable accommodation” means affirmative steps that do not impose an undue financial hardship or a substantial burden.

(b) *Prohibited conduct.*

No bylaw, rule, or regulation governing a rental dwelling, nor any action or inaction of the governing body or management of a rental dwelling, may:

(1) unreasonably impair any rights guaranteed by the Free-Exercise Clause of the First Amendment to the United States Constitution or by Article 36 of the Maryland Declaration of Rights; or

(2) prohibit or deny any reasonable accommodation for religious practices.

(*Ord. 07-529; Ord. 10-342; Ord. 18-130.*)

§ 5-20. Sanitation Guide.(a) *Preparation of Guide.*

The owner or managing operator of every rental dwelling, other than a hotel or motel, must prepare, in the form and containing the information required by the Commissioner, a Sanitation Guide for the premises that provides notice to all occupants of the requirements and procedures for the separation, disposition, collection, and proper storage pending collection of mixed refuse, recyclable materials, yard waste, bulk trash, and all other forms of garbage, rubbish, waste, and trash.

(b) *Dissemination.*

A copy of the Sanitation Guide must be:

(1) provided to each dwelling unit on the premises; and

(2) prominently posted within each common collection room, if any, on the premises.

(*Ord. 18-130.*)

§ 5-21. {Reserved}**§ 5-22. Public access to information.**

The Housing Commissioner shall make freely available for review on and download from the website of the Department of Housing and Community Development:

(1) the license status of any rental dwelling subject to this subtitle; and

(2) the following records relating to that rental dwelling:

(i) violation notices, orders, or citations issued by the Department under this article or the City Building, Fire, and Related Codes Article; and

(ii) notices of any denial, suspension, or revocation of the rental dwelling's license.

(*Ord. 18-130.*)

§ 5-23. {Reserved}**§ 5-24. Judicial and appellate review.***(a) Judicial review.*

A person aggrieved by a decision of the Housing Commissioner under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) Stays.

(1) The filing of a petition for judicial review does not stay the decision of the Commissioner.

(2) However, on motion and after hearing, the Court may grant a stay as provided in the Maryland Rules of Procedure.

(c) Appellate review.

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 18-130.)

§ 5-25. Enforcement by citation.*(a) In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) Process not exclusive.

The issuance of an environmental citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 07-424; Ord. 18-130.)

§ 5-26. Penalties.*(a) In general.*

Any person who violates any provision of this subtitle (including any offense listed in § 5-15 of this subtitle as potential cause for a denial, suspension, or revocation of a license) or any provision of a rule, regulation, or order adopted or issued under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*Ord. 02-475; Ord. 07-529; Ord. 18-130.*)

EDITOR'S NOTE: Ordinance 18-130 added the following uncodified, short-term transitional provisions for (i) preexisting, currently licensed multiple-family dwellings and rooming houses (Ord. 18-130, at Section 3) and (ii) non-owner-occupied dwelling units in 1- or 2-family dwellings (Ord. 18-130, at Section 4):

Section 3 --

- (a) On and after the effective date of this Ordinance *{August 1, 2018}*, a preexisting multiple-family dwelling or rooming house operating under an unexpired license that was issued under former City Code Article 13, Subtitle 5, may continue to operate under that license:
 - (i) until the license expires at the end of its stated term or
 - (ii) if the end of its stated term is fewer than 90 days after the effective date of this Ordinance, for an extended term that expires on the 90th day after the effective date of this Ordinance.
- (b) The multiple-family dwelling or rooming house may not continue to operate after the preexisting license expires under subsection (a)(i) or (ii) of this Section until the licensee has applied for and obtained a new, initial rental dwelling license under City Code Article 13, Subtitle 5, as amended by this Ordinance.

Section 4 --

[O]n and after the effective date of this Ordinance *{August 1, 2018}*, a rental dwelling described in Article 13, § 5-1(g)(3), as added by this Ordinance, may preliminarily operate without an initial rental dwelling license, but only as long as:

- (1) all non-owner-occupied dwelling units are duly registered under Article 13, Subtitle 4, as amended by this Ordinance, and all registration fees and related interest and late fees required by that Subtitle 4 have been paid;
- (2) within 120 days of the effective date of this Ordinance, the owner submits a completed application under Article 13, Subtitle 5, as amended by this subtitle, for a new, initial rental dwelling license; and
- (3) the Housing Commissioner has not yet issued an approval or denial of that application.